

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARTIN RAY HOULE,

Defendant.

CR-10-27-GF-BMM-02

ORDER

United States Magistrate Judge Keith Strong entered Findings and Recommendations in this matter on November 19, 2014. (Doc. 110). No objections were filed by either party. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-152 (1986). This Court will review Judge Strong's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Houle admitted to three violations of his supervised release. Houle admitted that he had violated special condition 1 by failing to participate in substance abuse testing. Houle admitted that he had violated special condition 2 by failing to report

as instructed by the probation officer. Houle admitted that he had violated special condition 3 by failing to answer the probation officer truthfully.

Judge Strong found Houle's admissions sufficient to establish supervised release violations. Judge Strong recommends that this Court revoke Houle's supervised release, and sentence Houle to 10 months imprisonment with no term of supervised release to follow.

Houle's violations are Grade C, his criminal history category is II, and the underlying offense is a Class C felony. The statutory rage is up to 24 months imprisonment followed by a term of supervised release up to 22 months, less any custody time imposed. The guideline range is 4 to 10 months imprisonment followed by 12 months supervised release, less any custody time imposed.

This Court finds no clear error in Judge Strong's Findings and Recommendations, and adopts them in full. Houle admitted that he violated the conditions of his supervised release by failing to report for substance abuse testing, failing to report as instructed by the probation officer, and failing to answer the probation officer truthfully. A sentence of 10 months imprisonment with no term of supervised release to follow is appropriate. This is the third time Houle's supervised release has been revoked. The parties agree that continued supervision would not serve any purpose.

IT IS ORDERED that Judge Strong's Findings and Recommendations (Doc. 110) are ADOPTED in full and Judge shall be entered accordingly.

DATED this 2nd day of December, 2014.



Brian Morris
United States District Court Judge